

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ADAM POTTER,

Plaintiff/Counterclaim Defendant,

v.

BEACON INTERCONTINENTAL GROUP,  
INC. and BUSINESS INSURANCE HOLDINGS,  
INC.,

Defendants/Counterclaim Plaintiffs.

C.A. No. 1:20-cv-04599-JGK-OTW

ADAM POTTER,

Plaintiff,

v.

BEACON INTERCONTINENTAL GROUP,  
INC.,

Defendant.

C.A. No. 1:23-cv-02914-JGK-OTW

**JOINT STIPULATION TO CONSOLIDATE RELATED CASES**

**WHEREAS**, Adam Potter (“Potter”) initiated a lawsuit on June 15, 2020 in the United States District Court for the Southern District of New York against Beacon Intercontinental Group, Inc. (“Beacon”), and Business Insurance Holdings, Inc. (collectively, the “Defendants”), styled as *Adam Potter v. Beacon Intercontinental Group, Inc., et al.*, 1:20-cv-04599-JGK-OTW (S.D.N.Y.) (the “Initial Action”);

**WHEREAS**, Potter commenced a subsequent lawsuit on December 22, 2022 in the United States District Court for the District of Delaware against Beacon, styled as *Adam Potter v. Beacon Intercontinental Group, Inc.*, 1:22:cv-01622-CFC (D.Del.) (the “Subsequent Action”);

**WHEREAS**, Potter and Beacon jointly requested that the Delaware District Court transfer the Subsequent Action to the United States District Court for the Southern District of New York, and on March 31, 2023, the Delaware District Court approved and effectuated the Subsequent Action’s transfer to the Southern District of New York;

**WHEREAS**, on April 6, 2023, the Subsequent Action was assigned case number 1:23-cv-02914 and is now styled as *Adam Potter v. Beacon Intercontinental Group, Inc.*, 1:23-cv-02914-JGK-OTW (S.D.N.Y);

**WHEREAS**, on April 7, 2023, the Southern District of New York assigned the Subsequent Action to the Honorable John G. Koeltl as a related case to the Initial Action, and designated the Honorable Ona T. Wang as the Magistrate Judge for the Subsequent Action;

**WHEREAS**, the Initial Action and the Subsequent Action arise from the same transaction, involve the same agreement(s), and raise common questions of law and fact;

**WHEREAS**, the parties in the Initial Action and the Subsequent Action are represented by the same counsel, respectively;

**WHEREAS**, the Initial Action and the Subsequent Action are now pending before the same Judges;

**WHEREAS**, consolidating the Initial Action and the Subsequent Action are in the interest of judicial economy, will conserve resources, and will facilitate the litigation and resolution of the claims and defenses asserted in the Initial Action and the Subsequent Action;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that, by and between undersigned counsel of record for Potter and Defendants, and subject to the approval of this Court, the Initial Action and the Subsequent Action are consolidated for all purposes under the Initial Action.

**IT IS FURTHER STIPULATED AND AGREED** that, within thirty days from this Court's approval of this Stipulation, Beacon shall file an answer to the complaint filed by Potter in the Subsequent Action. Alternatively, if Beacon intends to file a motion to dismiss, Beacon shall

file a letter-motion requesting a pre-motion conference with Judge Koeltl per his individual practices within twenty days from this Court's approval of this Stipulation.

**IT IS FURTHER STIPULATED AND AGREED** that this Stipulation may be executed in counterparts and that electronic and/or photocopied signatures shall have the same effect as original signatures, and that undersigned counsel is authorized by their respective clients to execute this Stipulation.

Dated: May 22, 2023

WACHTEL MISSRY LLP

FOX ROTHSCHILD LLP

By: /s/ Scott D. Woller  
Marc Litt  
Scott D. Woller  
Stella Lee Sainty  
One Dag Hammarskjold Plaza  
885 Second Avenue, 47th Floor  
New York, NY 10017  
(212) 909-9500  
mlitt@wmlp.com  
swoller@wmlp.com  
slee@wmlp.com

*Attorneys for Beacon Intercontinental  
Group, Inc. and Business Insurance  
Holdings, Inc.*

By: /s/ John Wait  
John A. Wait  
101 Park Avenue, 17th Floor  
New York, New York 10178  
T: 212-878-7900 / F: 212-692-0940  
jwait@foxrothschild.com  
*Attorneys for Adam Potter*

SO ORDERED this

\_\_\_ day of \_\_\_, 2023

\_\_\_\_\_  
HON. JOHN G. KOELTL